

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:22-cv-00122-MR-WCM

JUAN OSPINA,

Plaintiff,

v.

HORD SERVICES, INC.;  
ARTHUR SERVICES, INC.;  
HSI LAND CLEARING, LLC;  
HSI LAND DEVELOPMENT, LLC;  
HORD'S CONTAINER SERVICE LLC  
(f/k/a HORD BROTHERS LLC); and  
DWAYNE HORD, an individual,

Defendants.

ORDER

This matter is before the Court *sua sponte*.

On October 27, 2022, Plaintiff filed his Amended Complaint. Doc. 20. In that pleading, Plaintiff alleges:

1. That Defendant HSI Land Clearing, LLC (“HSI Land Clearing”) is a North Carolina “limited liability corporation” and that individual Defendant Hord is the majority owner and managing member of HSI Land Clearing;
2. That Defendant HSI Land Development, LLC (“HSI Land Development”) is a North Carolina “limited liability corporation” and

that Jared Hord is the majority owner and managing member of HSI Land Development; and,

3. That Defendant Hord's Container Service LLC (f/k/a Hord Brothers LLC) ("Hord's Container Service") is a North Carolina "limited liability corporation" and that Cameron Hord is the majority owner and managing member of Hord's Container Service. Doc. 20 at ¶¶6-11.

"For purposes of diversity jurisdiction, the citizenship of a limited liability company ... is determined by the citizenship of all of its members." Cent. W. Va. Energy Co., Inc. v. Mountain State Carbon, LLC, 636 F.3d 101, 103 (4th Cir. 2011). When members are LLCs themselves, the citizenship issues must be traced through until one reaches only individuals and/or corporations. See Jennings v. HCR ManorCare, Inc., 901 F.Supp.2d 649, 651 (D.S.C. 2012) ("an LLC's members' citizenship must be traced through however many layers of members there may be").

"The burden of establishing subject matter jurisdiction is on...the party asserting jurisdiction." Robb Evans & Assoc., LLC v. Holibaugh, 609 F.3d 359, 362 (4th Cir. 2010). Thus, here, Plaintiff "bears the burden of proof, by a preponderance of the evidence, to show the parties' citizenship to be diverse." Zoroastrian Ctr. & Darb-E-Mehr of Metro. Washington, D.C. v. Rustam Guiv Found. of New York, 822 F.3d 739, 748 (4th Cir. 2016); see also Cartwright v. SSC Yanceyville Operating Company, LLC, No. 1:18CV287, 2018 WL 6680925,

at \*2 (M.D.N.C. Dec. 19, 2018) (explaining that the removing party had the burden of demonstrating removal was proper by showing, by a preponderance of evidence, that the parties were diverse); Veach v. Mary Moody Northern, Inc., No. 7:16-cv-00518, 2016 WL 10516722, at \*1 (W.D. Va. Nov. 7, 2016).

The current record, however, does not reveal the identity or citizenship of all the constituent members of HSI Land Clearing, HSI Land Development, or Hord's Container Service LLC.

Accordingly, Plaintiff is **DIRECTED** to file, on or before **January 4, 2023** a Notice identifying the constituent members of these entities and their citizenship.

It is so ordered.

Signed: December 20, 2022

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf  
United States Magistrate Judge

